

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**CLEVELAND WEBSTER,**  
**Petitioner,**

**v.**

**UNITED STATES OF AMERICA,**  
**Respondent.**

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**Case No. 5:04-cr-00022 (CAR)**

**Proceedings Under 28 U.S.C. § 2255  
Before the U.S. Magistrate Judge**

**RECOMMENDATION**

Before the Court is Petitioner Cleveland Webster's "Motion for Leave of Court to File 28 U.S.C. § 2255(f)(3) or (4) Due to New Supreme Court Ruling." Doc. 107. Upon preliminary review pursuant to Rule 4 of the Rules Governing Section 2255 Proceedings, it appears that Petitioner's Motion must be dismissed as an attempt to file a second or successive Section 2255 Motion without obtaining prior authorization from the Court of Appeals for the Eleventh Circuit.

Review of the docket in this case establishes that Petitioner previously filed an unsuccessful Section 2255 Motion on September 13, 2006, which the Court denied on June 5, 2007. Docs. 58, 62. As such, Petitioner's Motion is a second or successive Section 2255 Motion. Under 28 U.S.C. § 2255(h), the Court's consideration of Petitioner's Motion is precluded absent prior authorization from the Eleventh Circuit. Because nothing in the record indicates that Petitioner sought and received prior authorization from the Eleventh Circuit, it is hereby **RECOMMENDED** that Petitioner's Motion (Doc. 107) be **DISMISSED**.

Pursuant to 28 U.S.C. § 636(b)(1), the parties may serve and file written objections to this Recommendation with the District Judge to whom this case is assigned **within fourteen (14) days** after being served with a copy thereof.

**SO RECOMMENDED**, this 11<sup>th</sup> day of October, 2013.

s/ Charles H. Weigle  
Charles H. Weigle  
United States Magistrate Judge